IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5920 OF 2005

Vikrant Rajkumar Sharma .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Virendrakumar Sharma with Anil Kaushik for applicant

Mrs.S.D.Shinde, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd November 2005.

P.C.

. Initially when this application was placed before this Court, learned Single Judge

(A.S.Oka, J) was of the view that this very applicant had filed criminal application No.2211 of 2004 for identical reliefs and this Court has dismissed the same by its order dated 7th July 2004. Therefore, this Court (A.S.Oka, J) ordered that this application be also placed before the same Judge who had disposed of the earlier application.

2. Accordingly, office placed this matter before Justice D.B.Bhosale. The learned Judge by an order dated 26th October 2005 called for a report from Third Ad hoc Dist. and Sessions Judge, Thane before whom the trial in the present case is pending. Report was called for because in the opinion of the learned single Jduge, trial ought to have been concluded within the time frame prescribed by orders dated 7th July 2004 and 28th April 2005.

3. After the report was called for this

matter was placed before the learned Single Judge and it is clear from the order dated 17th November 2005 that the earlier application was not considered by this Court on merits, but keeping in mind the statement of the learned Counsel for the applicant as well as learned A.P.P. that a time frame be stipulated for completion of the trial.

4. In the light of the aforesaid, present application is pressed before me on merits.

5. I have perused the report of the learned Additional Sessions Judge called for by this Court and the explanation he has given for not being able to abide by the time frame. Prosecution has stated that totally 96 witnesses are to be examined. Till date the learned Judge has examined about 27 witnesses. Finger print expert is being presently examined. All that the learned Sessions Judge says is that extension be

granted of three months to complete trial.

6. That apart, the charge in this case is extremely serious inasmuch as, one Asha Alok Khera who is also arrayed as accused conspired to murder her husband Alok Khera with the present applicant. Role of the present applicant is that he is hired killer who assisted wife Asha Khera in the act. Earlier, bail applications were filed and the sessions court has rejected them on merits. There is a clear finding that applicant accused is arrested in Delhi and the charge against him is serious in nature. The apprehension expressed by the learned Judge is that if the applicant is released on bail, it is difficult to secure his presence at the trial. The same will suffer. It is totally well founded. In the light of the settled principles and more particularly those laid down in recent decision of Supreme Court reported in 2005 (8) S.C.C. 21 this is not a fit case for grant of

bail.

7. At this stage, the learned Counsel for applicant states that the main accused, wife of the deceased, Asha, has been released on bail by the Supreme Court. In my view, interest of justice would be served if the applicant is granted liberty to renew his application for bail in case the trial is not concluded within three months from today as per the extended time schedule sought by the learned Sessions Judge. In the event, such an application is made, learned Judge shall decide the same uninfluenced by the orders passed earlier including observations made in the present order. Application disposed of.

(S.C.DHARMADHIKARI, J)